

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

KEVIN JAMES LISLE.

Case No. 2:03-cv-01006-MMD-CWH

Petitioner,

ORDER

v.

RENEE BAKER, *et al.*,

Respondents.

15 The progress of this capital habeas corpus action has been delayed by
16 disagreements between the petitioner, Kevin James Lisle, and his counsel, and by a *pro*
17 *se* interlocutory appeal filed by Lisle. The interlocutory appeal has been concluded. See
18 Order of the Court of Appeals, filed December 9, 2013 (dkt. no. 164). The Court held an
19 *ex parte* hearing on January 27, 2014 to hear and to resolve disagreements between
20 Lisle and his counsel.

21 As part of the resolution of the disagreements between Lisle and his counsel, the
22 Court will grant leave of Court for Lisle's counsel to file a third amended petition on his
23 behalf. The third amended petition shall be properly verified. See 28 U.S.C. § 2242.
24 The Court will deny Lisle's "Pro Se Motion to Allow Pro Per Petition in Support of Writ of
25 Habeas Corpus to Stand As Is and Proceed Without Further Delay" (dkt. no. 171). The
26 Court will, however, leave that document in the record, to make a record of Lisle's
27 position with respect to that matter. Respondents' motion to strike (dkt. no. 172) will be
28 denied.

The Court will also set a schedule for respondents' response to the third amended petition, and the case will then proceed as set forth in the scheduling order entered in this action on March 28, 2013 (dkt. no. 139).

It is therefore ordered that petitioner's "Pro Se Motion to Allow Pro Per Petition in Support of Writ of Habeas Corpus to Stand As Is and Proceed Without Further Delay" (dkt. no. 171) is denied.

It is further ordered that respondents' Motion to Strike (dkt. no. 172) is denied.

It is further ordered that petitioner's counsel shall file a third amended petition, on petitioner's behalf, within twenty (20) days from the entry of this order.

It is further ordered that, following the filing of the third amended petition, respondents shall have ninety (90) days to file and serve an answer or other response to the third amended petition.

It is further ordered that, in all other respects, the schedule for further litigation of this action shall be as set forth in the scheduling order entered on March 29, 2013 (dkt. no. 139).

DATED THIS 7th day of April 2014.


MIRANDA M. DU
UNITED STATES DISTRICT JUDGE